

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1228 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SOLANKI VALJIBHAI DAHYABHAI

Versus

STATE OF GUJARAT

Appearance: MR JK PARMAR for Petitioner Nos. 1-45

Mr.M.K. Dagli, Assistant GOVERNMENT PLEADER,
for Respondent No. 1,4-5

MR HS MUNSHAW for Respondent No. 2

MR SUNIL C PATEL for Respondent No. 3

MR SV RAJU for Respondent No. 6-16,17-48

RULE SERVED for Respondent No. 16/1-16/4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/10/2002

ORAL JUDGEMENT

Mr.J.K. Parmar, learned Advocate for the petitioners, has requested the Court to allow him to join the Taluka Development Officer, Mandal, District Ahmedabad (Rural) as party respondent. The petitioners are permitted to join the TDO, Mandal as party-respondent. As per the order of this Court, Mr.Munshaw waives service of Rule on behalf of the TDO.

The matter is taken up for final hearing today.

The petitioners are the residents of Village Vanpardi. They applied for allotment of certain land, which is of the village site, for constructing residential houses. The demand of the petitioners is in connection with part of the land of Survey No.37. The application made by the petitioners to the Collector is annexed at Annexure 'E', dated 16.10.2001. However, according to Mr.Parmar, no decision is taken in the matter by the Collector. This petition is filed by the petitioners, with a prayer that appropriate direction may be given to the authority for the purpose of allotting the land in favour of the petitioners.

On behalf of the private respondents, who are joined as respondent Nos. 6 to 48, it is submitted by Mr.Parmar, learned Advocate for the petitioners, that part of the said land is already given to them and they have already constructed the houses. It is not in dispute that no final decision is taken by the concerned authority in this connection whether any part of Survey No.37 or any other land can be allotted to the petitioners for their housing activity. On behalf of the District Deployment Officer, it is submitted by Mr.Munshaw that so far as allotment of Gamtal land is concerned, the Competent Authority, who can take the decision for allotment of such land, is the T.D.O. Even Mr.Dagli, learned AGP, has also stated in his reply, which is filed on behalf of the Collector, Ahmedabad, that the Taluka Development Officer is the Competent Authority. The petitioners have not applied to the T.D.O. with necessary application in this behalf. Under these circumstances, the petitioners are directed to make appropriate representation to the TDO for the purpose of granting them land at village Vanpardi. In such representation, the petitioners may highlight the available Gamtal land, which can be allotted to the petitioners for their housing purpose. Such representation / application may be made on or before 30th October, 2002. On receiving such application, the Taluka Development Officer is directed to take appropriate decision in accordance with law in connection with the prayer and demand of the petitioners to find out whether any land can be allotted to the petitioners for their housing purpose. The TDO is directed to take decision in accordance with law and after considering the facts and circumstances of the case. Since the issue is pending since long, the TDO is directed to take decision within three months from the date of receipt of the application / representation. If the said order is not

in favour of the petitioners, it will be open for them to challenge the same in accordance with law. The petition is partly allowed to the aforesaid extent. Rule is made absolute accordingly with no order as to costs.

The petitioner may take direct service of writ of this Court for the purpose of serving it to the Taluka Development Officer.

10th October, 2002 (P.B. Majmudar, J.)

(apj)